

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

June 5-9, 2006

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-5	OPP OPP	91153479 91154680	American Flange & Manufacturing Co., Inc. v. Rieke Corp.	Holtzman Zervas Walsh*	whether applicant's marks are functional; whether applicant's marks have acquired distinctiveness; fraud	Opposition Sustained in both cases based on functionality and the failure to show distinctiveness, but not on the basis of fraud		two product designs for plugs that form integral parts of closure systems for 55-gallon drums [metal closure fittings for drum containers]			Yes
6-5	EX	76181456	Settec, Inc.	Bucher* Kuhlke Walsh	whether applicant's specimens are acceptable to show use of its mark in commerce	Refusal Affirmed		"ALPHA-DISC" (and design) [blank optical discs; blank CDs for audio and video recording; blank CD-ROMs; blank video discs; pre-recorded optical discs featuring motion pictures or music; <i>and a number of other goods</i> ; computer software for applying copy protection to all of applicant's recited goods]		Vanston	Yes
6-5	EX	76491961	William A. Jones, dba William A. Jones Co.	Seeherman Bucher* Zervas	whether applicant's recitation of services is sufficiently definite for purposes of registration	Refusal Affirmed		"MOLD-A-RAMA" [entertainment services, namely, personal souvenir production services in the nature of vending machines that provide and form plastic souvenirs]		Kim	No

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6-7	EX	76588421	Halocarbon Products Corp.	Seeherman Hairston* Grendel	Section 6 disclaimer requirement (of word HALO-CARBON) [as generic or, if not generic, lacking distinctiveness under 2(f)]	Refusal Affirmed in all three classes, but only on grounds that HALO-CARBON lacks distinctiveness under 2(f)		"HALOCARBON" (and design) [in Class 1: fluorochemicals for industrial purposes; in Class 4: industrial synthetic oils, general purpose grease, and industrial waxes for lubrication purposes; in Class 5: inhalation anesthetics for surgical use]		Salemi	No
6-8	EX	78322049	Sherwin-Williams Automotive Finishes Corp.	Hohein Drost* Kuhlke	2(e)(1)	Refusal Affirmed		"SQUEEGEE PRIME" [protective and decorative coatings in the nature of paint, namely, automotive primers]		Sappenfield	No
6-8	EX	78295721	LBI Brands	Hairston* Rogers Kuhlke	2(d)	Refusal Reversed as to both cited registrations		"SOY2O" [flavored drinking waters; non-alcoholic tea-based beverages containing soy isoflavones]	2 cited registrations: "FRUIT ₂ O" [non alcoholic beverages, namely, non carbonated fruit juices, fruit drinks, fruit punches, fruit cocktails and fruit flavored drinking water] and "FRUIT ₂ O ICE" [fruit flavored non-dairy frozen confections]	Whittaker-Brown	No
6-8	EX	78341041	Joint-Stock Company "Baik"	Zervas Kuhlke* Walsh	2(e)(2); 2(e)(1)	Refusal Affirmed on 2(e)(2) grounds only		"BAIKALSKAYA" [vodka]		Belenker	Yes

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6-8	EX	76562049	Jesse James	Grendel Drost* Kuhlke	2(e)(1); whether applicant must provide an accurate translation of the mark	Refusal Affirmed on both grounds		"TREINTAS" [automobile parts, namely, car wheel rims]		Hickey	No
6-8	EX	76561134	Jesse James	Grendel Drost* Kuhlke	2(e)(1)	Refusal Affirmed		"THIRTYS" [automobile parts, namely, car wheel rims]		Chicoski	No

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